

NOT DESIGNATED FOR PUBLICATION  
SAM BIRD, JUDGE  
DIVISION I

CACR06-1408

JUNE 6, 2007

ANGELA JONES

APPELLANT

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT  
FOURTH DIVISION  
[NO. CR2004-3755 & CR2006-547]

V.

STATE OF ARKANSAS

APPELLEE

HON. JOHN W. LANGSTON, JUDGE

AFFIRMED

Appellant Angela Jones and her sister Joyce Jones were charged by felony information with first-degree battery. The State also filed a petition for revocation against appellant, alleging that by committing the battery she had violated terms of her probationary sentence in a previous theft-by-receiving conviction. Appellant was convicted in a bench trial on the battery charge, her probation was revoked in a subsequent hearing, and she was sentenced to concurrent terms of sixty months' imprisonment. On appeal she challenges the sufficiency of the evidence to prove her *mens rea* for first-degree battery and asserts that, because the proof was insufficient, her probation revocation should not stand. She acknowledges testimony that she hit the victim before and during the stabbing, but she points to her own testimony that she was unaware that her sister possessed a knife during the attack, and she notes the victim's testimony that appellant pulled her sister off the victim. We affirm the conviction and the

revocation.

A person commits battery in the first degree if, with the purpose of causing serious physical injury to another person, she causes serious physical injury to any person by means of a deadly weapon. Ark. Code Ann. § 5-13-201(a)(1) (Repl. 2006). A person acts purposely with respect to his or her conduct or a result of his or her conduct when it is the person's conscious object to engage in conduct of that nature or to cause the result. Ark. Code Ann. § 5-2-202(1).

In cases where the theory of accomplice liability is implicated, appellate courts affirm a sufficiency of the evidence challenge if substantial evidence exists that the defendant acted as an accomplice in the commission of the alleged offense. *E.g., Clark v. State*, 358 Ark. 469, 192 S.W.3d 248 (2004). A person is an accomplice of another person in the commission of an offense if, with the purpose of promoting or facilitating the commission of an offense, the person encourages, aids, or attempts to aid the other person in committing the offense. Ark. Code Ann. § 5-2-403(a). Furthermore,

When causing a particular result is an element of an offense, a person is an accomplice of another person in the commission of that offense if, acting with respect to that particular result with the kind of culpable mental state sufficient for the commission of the offense, the person . . . encourages . . . the other person to engage in the conduct causing the particular result; or aids . . . attempts to aid the other person in planning or engaging in the conduct causing the particular result[.]

Ark. Code Ann. § 5-2-403(b) (Repl. 2006).

The evidence viewed in the light most favorable to the State is as follows. Martha

Frazier testified that, after she talked appellant's sister into going back inside the house with a butcher knife, the sister ran after Chandra Marbley with the knife; she said, "Bitch, I'm going to stab you"; Marbley said, "[D]on't you stab me with that knife"; appellant hit the victim from the side; Marbley fell over; the stabbing began; and appellant was hitting Marbley "during the time" that appellant's sister was stabbing her. Latosha Frazier testified that she saw appellant hitting Marbley while appellant's sister was stabbing Marbley. Finally, Marbley testified that she did not see the person who knocked her down or hit her while she was being stabbed by appellant's sister, that appellant pulled her sister off when blood was spurting from Marbley's arm, but that appellant "had to be" the person hitting or kicking her because there was no one else close by.

This evidence is sufficient to establish that appellant purposely aided in the commission of first-degree battery and had the required culpable mental state as an accomplice. And, because the State's burden of proof in a revocation proceeding is less than that required to convict at a criminal trial, the revocation of appellant's probation was also proper. *See Jones v. State*, 355 Ark. 630, 144 S.W.3d 254 (2004).

Affirmed.

VAUGHT and BAKER, JJ., agree.